

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JEFFREY THEO KLING,

Plaintiff,

v.

AMERICAN TRANSPORT, INC., a foreign
corporation, et al.,

Defendants.

Case No. 3:14-cv-00107-MMD-WGC


ORDER

This case comes before this Court through Defendants American Transport, Inc., Randy Allen Romo and Force Transport, LLC's Petition for Removal. (Dkt. no. 5.) Plaintiff Jeffrey Theo Kling filed this action in the Second Judicial District Court in Washoe County, Nevada, after an alleged collision with a truck being operated by Romo, an employee of American Transport, Inc. Plaintiff asserts claims of negligence and negligence per se.

On February 25, 2014, the Court ordered Defendants to show cause as to why this case should not be remanded for lack of subject matter jurisdiction. (Dkt. no. 10.) Defendants responded on March 7, 2014. (Dkt. no. 12.) In their response, Defendants met their burden to demonstrate that the amount-in-controversy exceeds \$75,000. Defendants represent that Plaintiff served a demand letter seeking damages in excess of \$100,000. (See dkt. no. 12 at 3.) Plaintiff's response does not contest this fact. Accordingly, based on Defendants' response and Plaintiff's response, the Court is now assured of its jurisdiction to preside over this case.

1 Plaintiff has also filed an Opposition to Defendants' Petition for Removal, which
2 argues that Plaintiff seeks damages in an amount less than \$75,000 and asks the Court
3 to remand this case. (Dkt. no. 11.) Plaintiff's opposition is stricken as it is procedurally
4 improper. To the extent that Plaintiff wishes to argue that this action should be remanded
5 due to the Court's lack of subject matter jurisdiction at the time of removal, Plaintiff may
6 present that argument in the form of a motion to remand pursuant to 28 U.S.C. § 1447.

7 DATED THIS 12th day of March 2014.

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10 MIRANDA M. DU
11 UNITED STATES DISTRICT JUDGE
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